



NH DIVISION OF LIQUOR ENFORCEMENT AND LICENSING

ADMINISTRATION & OPERATIONS MANUAL

CHAPTER: P-251

SUBJECT: Citizen Complaints &
Internal Investigations

REVISED: August 31, 2009

EFFECTIVE DATE: October 1, 2007

DISTRIBUTION: All Personnel

APPROVED: *Director Eddie Edwards*

I. PURPOSE:

To establish a uniform policy and procedure which relates to complaints against the Division or its personnel and, the possible resultant internal investigation.

II. SCOPE:

This S.O.P. applies to all sworn Division personnel who, as a result of their assignment are required to enforce Title XIII, criminal laws and other related administrative rules of this state.

III. Discussion:

It is the purpose of this policy to improve the quality of law enforcement service provided by Division members. It is also the purpose of this policy to establish a fair and equitable system, by which complaints are received, investigated and evaluated for judgment.

Although this standard operating procedure generally refers to complaints received from citizens, where and when appropriate, this standard operation procedure and the procedures outlined herein, shall be understood to include internal investigations or complaints of any allegations of misconduct, whether the source is internal or external to the Division.

The purpose of this policy is to maintain the professionalism demanded and expected of Division members by both the Commission and the citizens of the state. A standard policy regarding internal investigations will help maintain this goal by accomplishing the following:

1. Protection of the public: The public has a right to expect efficient, fair and impartial law enforcement, therefore, any misconduct by Division personnel must be detected, thoroughly investigated, and properly adjudicated to assure the maintenance of these qualities.

2. Protection of the Commission/Division: The Division is often evaluated and judged by its individual members. It is imperative that the entire organization not be subjected to public censure because of misconduct by a member of its ranks. A standard professional policy such as this will maintain public confidence in Division members as professionals when such a policy is consistently and thoroughly followed.
3. Protection of Division personnel: Employees must be protected against false accusations or misconduct. Although being a focus of an investigation may be a very unpleasant or uncomfortable situation, the best protection for an employee who is innocent is a complete, thorough investigation, conducted in a timely manner that clearly and unequivocally supports the employee's honesty, integrity or actions.
4. Policy Failure: The Division is constantly seeking to improve its efficiency and the efficiency of its personnel. Occasionally, personnel investigations uncover faulty procedures that would otherwise go undetected. These procedures can be improved and/or corrected, if properly identified.
5. Removal of unfit personnel: Personnel who engage in serious acts of misconduct, or who have demonstrated that they are unfit for law enforcement work, must be removed for the protection of the public, the personnel within the Commission and the Division.

V. POLICY:

It is the policy of this Division to accept and investigate all complaints of personnel misconduct or wrongdoing from any citizen or agency employee. Such complaints will be investigated thoroughly, completely and impartially, following policies and procedures as set fourth in the Division of Enforcement's Administration and Operations Manual.

CITIZEN COMPLAINT INVESTIGATION

IV. AUTHORITY:

The citizen complaint investigation component shall come under the direct control of the Director of Enforcement and Licensing. All investigations shall follow the chain of command to and from the office of the Director. The Director shall keep the Commissioners appraised of all complaints and internal investigations.

The primary activities of the complaint/internal investigation function include:

1. Properly recording, filing, and controlling the investigation of complaints against investigator.
2. Supervising and controlling the investigation of alleged or suspected misconduct within the Division.
3. Maintaining the confidentiality of the citizen complaint investigation and records.

4. Maintaining records, statistics and preparing reports on an annual basis or when otherwise requested by the Director.
5. Ensuring that the Division investigates all complaints against an employee or the agency itself.
6. Ensuring that all allegations of misconduct are investigated thoroughly and adjudicated promptly, fairly, impartially.
7. Maintaining liaison with the Attorney General's office of the State of New Hampshire, if appropriate, during investigations involving alleged criminal conduct on the part of any employee and to obtain legal advice or assistance in case preparation.

Each complainant and accused investigator shall be individually contacted in person, if appropriate, for the purpose of familiarizing the investigating supervisor the basis of the alleged complaint.

VI. CITIZEN COMPLAINT PROCESSING:

1. Receipt of Complaints:
 - a. When a citizen indicates a desire to file a complaint alleging misconduct by any member of the Division of liquor Enforcement and Licensing, he/she shall immediately be referred to the Director, and a Citizen Complaint Investigation Face Sheet (Appendix A) shall be filled out. This procedure shall also apply when anonymous complaints are received.
 - b. Except in cases of anonymous complaints, supervisory personnel shall advise the complainant that the investigating officer will contact him/her to discuss the details of the complaint. It is recommended that the complainant be allowed to verbally relate his/her entire version of the incident without interruption after which the investigating officer should ask questions for clarification and detail.
 - c. In the case of an anonymous complaint, such complaint shall be classified as informal unless a determination is made that the allegation elevates its classification to a formal matter.
2. DEFINITION OF INFORMAL/FORMAL INVESTIGATION:
 - a. Investigators receiving or observing a complaint or violation shall take such appropriate action as is reasonable and necessary, and shall report such information to the Director or the most appropriate person within the Chain of Command, given the circumstances involved. Likewise, a supervisor receiving such information shall take such appropriate action as is reasonable and necessary and forward this information to the Director.

- b. The supervisor initially reviewing an incident of employee misconduct shall, after conferring with the Director, make a determination as to whether the incident shall be classified as an informal or formal investigation.
- c. The investigation shall be classified as informal if the complaint or infraction is:
 - 1. Not of a serious nature.
 - 2. Is not a violation of Division rules, regulations, policies or procedures.
 - 3. May be resolved by the supervisor to the satisfaction of the complaining citizen. Informal complaints may be received either orally or in writing.
- d. Nothing in this policy shall prevent a complaint received by a supervisor which is determined to be so insignificant to be handled without classification. It shall become the responsibility of the supervisor based on that determination to appropriately dispose of the matter.
- e. The investigation of the complaint or infraction shall be processed in a formal manner as prescribed by this directive in the following instances:
 - 1. If the complainant indicates a desire to file a formal written complaint against an employee and it is determined to be proper.
 - 2. If the supervisor deems the complaint is of sufficient seriousness to warrant an in-depth investigation.
 - 3. If a citizen complaint or other investigation directed at a liquor investigator may require the investigator to participate in a line-up, submit to a medical or laboratory examination, submit financial disclosure statements, provide photographs for a photographic line-up or submit to a polygraph examination whenever:
 - a. The allegations constitute a violation of law; or
 - b. The Director prescribes that the formal procedures shall be followed.

3. PROCEDURES FOR INFORMAL COMPLAINTS

If the complaint can be handled in an informal manner, then the following procedures shall be followed by the supervisor accepting the complaint:

- a. Complete the standard Citizen Investigation Face Sheet (Appendix A).

1. The supervisor will affix an appropriate IA number to be assigned to the complaint from the Director.
2. Internal Affairs File Number will be assigned sequentially as shown below:

IA-Year-Number Formal/Informal

Example - IA-90-001-F

Example - IA-90-002-I

- b. The supervisor shall complete and sign the Complaint Reception Receipt and advise the complainant after retaining a copy for the file.
- c. Prepare a report to the Director of Enforcement using standard reporting procedures. The narrative of the report shall be submitted in the following format:
 1. Allegation(s) - state as concisely as possible the specific allegations and cite the specific section of the rules and regulations, standard operating procedure, special memorandums and/or the RSA that deals with the allegation. Enumerate the allegations when there are more than one.
2. Details of Complaint - show a chronological summary of the incident or event.
 3. Finding of Facts - show by numerical listing a summary of the facts uncovered during the investigation.
 4. Attachments - number all attached forms, statements, or other supporting documentation.
- d. Prepare a standard Complaint Disposition Form (Appendix A). On this form, the supervisor shall indicate the appropriate decision and disposition based upon the findings of fact. The decision shall be classified as one of the following:
 1. Unfounded - A determination that the charges are false or not factual.
 2. Exonerated - A determination that the incident occurred, but was justified, lawful and proper.
 3. Not Sustained - A determination that the facts presented are insufficient to clearly prove or disprove the allegation.
 4. Sustained - A determination that the allegations are supported by sufficient evidence to justify a reasonable conclusion of guilt or that sustained acts have been discovered that indicate misconduct not based on

the original complaint.

- e. If the investigation has yielded sufficient evidence, conclusive recommendations shall state:
 - 1. Corrective action.
 - 2. Disciplinary action by the Director.
- f. All persons who file a citizen complaint shall be included in the "Master Name Index File".
- g. The supervisor shall review the report package for completeness and attach his findings and recommendations.
- h. The completed report package shall be forwarded to the Director.

The Director, or at his discretion, the assigned supervisor in charge of the investigation, shall, if appropriate, notify the investigator involved that he/she is the subject of a citizen complaint and/or an internal investigation. At the time of the notification, the investigator shall receive in writing a statement of the allegations and the employees rights and responsibilities relative to the investigation. This notification and/or any subsequent interview shall be discretionary and shall be dependent upon the nature of the allegation which, in some cases may dictate that this notification not be made.

The Director shall review the report package in its entirety. If all is in order, he shall:

- a. Notify the investigator through the appropriate Chain of Command of the final decision and disposition. This notification shall be either a memorandum or by providing a copy of the "Complaint Disposition Form".
- b. Ensure that a copy of the Citizen Complaint Investigation Face Sheet and the "Complaint Disposition" Form is placed in the appropriate administrative file to be retained for statistical purposes.
- c. The appropriate entry is made in the Internal Affairs Master Name Index File including the following information:
 - 1. File number.
 - 2. Division member name.
 - 3. Complainant name.
 - 4. Date of alleged incident.
 - 5. Investigating officer's name.
 - 6. Finding (sustained, exonerated, etc.).
- d. The original investigative report package shall be placed in the employee's current year file. After his next annual evaluation, it shall be filed in the Administrative/Internal Affairs File. No record of a citizen complaint or other internal investigation shall be maintained in any other personnel or investigative file.

4. PROCEDURES FOR FORMAL COMPLAINTS

In the event that it is determined by the supervisor, through conference with the Director, that the complaint shall be investigated in a formal manner, then the following procedures shall apply:

- a. The supervisor shall complete the Citizen Complaint Investigation Face Sheet (Appendix A).
- b. Ensure that a report consistent with the Division incident report procedure is prepared. This report shall show a chronological summary of the incident or event, including a summary of all statements given during the initial interview.
- c. The supervisor shall complete and sign the Complaint Reception Receipt (Appendix A) and see the complainant after retaining a copy for the file.
- d. The supervisor will inform the complainant that a member of the Division of Enforcement will conduct an investigation into the incident, which shall include a written investigative plan (Appendix A) and investigation log (Appendix A).
- e. The investigating officer shall request that an Authorization for Release of Information to Law Enforcement Agency (Appendix A) is completed when an allegation indicates that a complainant may have sustained injuries, and has, or may require medical attention.
- f. The investigating officer shall make appropriate periodic updates to the Director addressing the current status of the investigation.
- g. The investigating supervisor shall forward all information and completed forms concerning the investigation directly to the Director in a confidential manner.
- h. The Director shall assign a supervisor to conduct further investigation as may be necessary after review.
- i. The investigating officer responsible for overseeing the investigation shall insure that the following responsibilities have been completed:
 - a. Have the complainant complete the Citizen Complaint Affirmation (Appendix A) indicating that any information provided is true and complete to the best of the complainant's knowledge and belief.
 - b. Obtain a detailed and comprehensive statement signed by the complainant on standard statement forms.
 - c. Obtain statements from witnesses on standard statement forms as is

applicable.

- d. Interview the accused investigator consistent with section j-2-b below.
- e. Completely brief the Director concerning the progress of the investigation.
- f. Periodically notify the complainant concerning the status of the complaint, and in no case shall the complainant go longer than seven (7) days without being re-contacted after the initial contact.
- g. Bring the investigation to an **expeditious conclusion**. No investigation shall exceed 14 days except in extenuating circumstances where the Director has expressly approved such an extension.
- j. The Director shall, if appropriate, notify the investigator involved that he/she is the subject of a citizen complaint or other internal investigation. At the time of the notification, the investigator shall receive, in writing, a statement of the allegations and the investigator's rights and responsibilities relative to the investigation. The notification, shall be discretionary and dependent upon the nature of the allegation which, in some cases may dictate that the notification not be made. When notification is made, it shall be determined whether the investigator will receive administrative or constitutional rights.
 - 1. When an investigator is advised of his administrative rights as contained in the Notification and Administrative Rights of Employees Under Investigation Form (Appendix A), the investigator is required to answer all questions fully and truthfully. Refusal to answer may result in dismissal. **When the investigator is compelled to answer questions under threat of adverse administrative action, then the investigating officer shall realize that any confessions made by the investigator shall not used against him in any subsequent criminal proceeding.** The admissions can, however, form the basis of administrative disciplinary action (Gardner v. Broderick 392 U.S. 273).
 - a. In cases that are administrative in scope and the investigator's administrative rights have been provided to him/her, the investigator under investigation shall not be advised of any constitutional rights.
 - 2. In cases where the Division desires to have the option of using any statements made by the investigator in a subsequent criminal proceeding, and after consultation with the Attorney General's Office then:
 - a. The investigator shall be advised of his right to remain

silent; his right to discontinue answering any question, and warned that anything said may be used against him in a court of law.

- b. The investigator shall be specifically advised that no adverse disciplinary or administrative action will be taken against him based upon his refusal to answer any questions.
 - c. In any case where the option to use incriminating statements must be retained, the investigating officer shall have the investigator complete the Notification and Constitutional Rights of Officers under Investigation form (Appendix A).
 - d. The Notification and Constitutional Rights of Investigator under Investigation form is sufficient in cases where the investigator has not been taken into custody or significantly deprived of his freedom and no further constitutional warning is required. **If the investigator has in fact been taken into custody or is otherwise significantly deprived of his freedom, the full Miranda Warnings must be given on the appropriate form, as would be done in any normal criminal investigation.**
- 3. In every case, the investigator shall be provided with a copy of the Notification and Rights Form (Appendix A) regardless of whether it is a notification of constitutional or administrative rights. The original form shall be retained by the investigating officer.
 - 4. The investigator being investigated shall not become involved in the investigation in any manner, unless expressly requested to do so by the Director.
 - 5. Upon completion of the investigation, the officer in charge of the investigation shall forward a report of the investigation to the Director along with his recommended action in the format provided below.
 - a. **Allegation(s)** - State concisely as possible the specific allegations and cite the specific Section of the Administration and Operations Manual (AOM) and/or the RSA that deals with the allegation. Enumerate the allegations when there are more than one.
 - b. **Details of Complaint** - Show a chronological summary of the incident or event.
 - c. **Finding of Fact** - Show by numerical listing a summary of the facts uncovered during the investigation.
 - d. **Attachments** - Number all attached forms, statements, other supporting documentation.

6. Prepare a standard Complaint Disposition form (Appendix A). On this form, the investigating officer shall recommend the appropriate decision and disposition based upon the finding of fact.

The decision shall be classified as one of the following:

- a. **Unfounded** - A determination that the charges are false or not factual.
 - b. **Exonerated** - A determination that the incident occurred, but was justified, lawful and proper.
 - c. **Not Sustained** - A determination that the facts presented are insufficient to clearly prove or disprove the allegation.
 - d. **Sustained** - A determination that the allegations are supported by sufficient evidence to justify a reasonable conclusion of guilt or that sustained acts have been discovered that indicate misconduct not based on the original complaint.
 1. If the investigation has yielded sufficient evidence, conclusive recommendations shall state:
 - a. Corrective Action.
 - b. Disciplinary Action by the Director.
7. The investigating supervisor shall also:
 - a. Prepare all forms as necessary relating to Appendix A to be included with the completed report package.
 - b. Forward the completed report package to the Director.
 8. The Director shall review the report package in its entirety, as well as the recommended decision and disposition of the complaint. If all is in order the Director shall:
 - a. Notify the investigator, and the appropriate supervisor of the final decision and disposition. This notification shall be either through a memorandum or by providing a copy of the complaint disposition form.
 - b. Notify the complainant of the decision and disposition of the investigation in writing.
 - c. If recommended by the Director, a hearing board will be convened according to rule 8.5.5.
 - d. The Director may reprimand the employee or may, with the concurrence of

the Commissioners, take the following action against the Investigator:

1. Letter of Warning.
2. Transfer or Re-Assignment.
3. Suspension or Dismissal.

9. The Director shall:

- a. Ensure that a copy of the Citizen Complaint Investigation Face Sheet and the Complaint Disposition Form is placed in the appropriate administrative file to be retained for statistical purposes.

10. The Director shall ensure that:

- a. The appropriate entry is made in the Internal Affairs Master Name Index File including the following information:
 1. File number.
 2. Division member name.
 3. Complainant name.
 4. Date of alleged incident.
 5. Investigating Investigator's name.
 6. Finding (Sustained, Exonerated, Etc.).

- b. The original investigative report package shall be placed in the Investigator current year file. After his next annual evaluation it shall be filed in the Administrative/Internal Affairs File. No record of a citizen complaint or other internal investigation shall be maintained in central records.

VIII. RECORDS AND REPORTING:

1. All records pertaining to citizen complaints and internal investigations shall be maintained by the Director in a secure area of the administrative file identified for that purposed.
2. All such records shall be maintained for five (5) years, after which they may be archived.
3. The Director will have prepared an annual summary of formal citizen complaint and internal investigations, at the conclusion of each calendar year. This report shall be statistical in nature and shall not identify any investigator by name.
 - a. The Summary Report shall contain information relating to:
 1. The number of investigations.
 2. The decision of those investigations.
 3. Disciplinary action.
 4. Any other pertinent information.

IX. SPECIAL INVESTIGATIVE PROCEDURES:

1. An investigator may be required to provide certain information, or to submit to testing or examination in the course of an investigation. Prior to any such order a determination shall be made whether the investigation is of a criminal or administrative nature.
 - a. Such procedures shall be:
 1. Conducted only with the express authorization of the Director.
 2. Specifically directed toward and closely related to the particular investigation.
 - b. If the investigator refuses an instruction to submit to testing or examination or other requirements of this section, the Director or his designee may order the investigator orally or in writing to comply; punitive disciplinary action, including dismissal, may be taken upon an investigator's refusal.
 - c. Examples of specific requirements that can be made of investigator during

an investigation include, but are not limited to the following procedures:

1. **A polygraph examinations:**

The result of a polygraph examination will generally not be admissible in a court of law; however, it will be admissible in subsequent administrative or disciplinary hearing.

2. **Medical, psychiatric, or laboratory examinations:**

Some laboratory results may not be admissible in a subsequent criminal proceeding if the investigator was ordered to submit to the test upon threat or implied threat of adverse administrative action.

If it is desired, for example, to have the option of charging an investigator with driving while intoxicated in court, then he should be treated the same as any other suspect for the purposes of implied consent in obtaining a blood alcohol result.

3. **Photographs:**

An investigator may be required to submit to photographs of a type and format as dictated by the Director, for the purpose of establishing a photographic line-up or for other investigative purpose.

4. **Line ups:**

An investigator may be required to participate in an identification line-up.

5. **Financial disclosure:**

Submission of financial disclosure or other personal papers:

The Director may require an investigator to turn over such personal papers if related to an active investigation. However, if criminal proceedings are a possibility at a future date, and the use of such papers may be required, then the papers should be seized in a manner consistent with normal criminal investigative procedure (i.e. search warrant, consent, etc.).

X. USE OF INVESTIGATION REPORTS:

1. All records, reports, letters, memoranda, and other documents relating to any internal investigation into the conduct of any investigator of the Division shall not be admissible in any civil action other than in disciplinary action between the Division and the investigator (RSA 516:36).

2. Nothing in the RSA will preclude the admissibility of otherwise relevant records to the Division which relates to the incident under investigation that are not generated by or part of the internal investigation. For the purposes of this RSA, "internal investigation" shall include any inquiry conducted by the Director or authorized by him.
3. Records pertaining to internal investigations shall not be released to anyone outside the Division of Enforcement without the expressed written consent of the Director.

XI. POLICY FAILURE:

1. When adjudicating a complaint, it may be found that a citizen has a valid and justifiable grievance, but that the particular Investigator involved acted properly within the prescribed policy.
2. In such cases, the investigating officer shall recommend the appropriate decision as it relates to the officer (i.e. sustained, unfounded, etc.), and prepare an additional and separate section to his narrative report entitled "Policy Failure".
3. Policy failure reports will not be released to the complainant and will be used for internal purposes only.
 1. The investigating officers' report shall identify:
 - a. The specific policy involved.
 - b. The harm done to the complainant or the problem that it caused.
 - c. Any recommended changes to the existing policy to prevent further problems of the same nature in the future.
 2. If the Director concurs with the investigating officer's conclusions regarding the policy failure, then he shall assign a person to be responsible for preparing the appropriate policy change.

SOURCES: Gardner v. Broderick 392 U.S. 273 (1968). Miranda v. Arizona, 384 U.S. 436 (1966). "Interview of Public Employees Regarding Criminal Misconduct Allegations, Constitutional

Considerations: The Legal Digest, published by the Federal Division of Investigation, U.S. Department of Justice, as reprinted from the FBI Law Enforcement Bulletin, March and April, 1980. RSA §16:36

REPORT OF COMPLAINT AGAINST POLICE PERSONNEL

CONFIDENTIAL

Name of Complainant: _____ Case # _____

Address Where Complainant Can Be Contacted:

Home phone: _____ Work phone: _____

Date/Time of Incident: _____

Location of Incident: _____

Name of Officer(s) against whom complaint is being filed, or other identifying marks (badge number, car number, etc.):

Name: _____ Rank: _____

ID # _____ Badge # _____ Vehicle: _____

Name(s), address, phone number or other identifying information concerning witnesses:

Statement of Allegation:

(If further space is needed, use reverse side of this form.)

I understand that this statement of complaint will be submitted to the NH Division of Liquor Enforcement and may be the basis for an investigation. Further, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily and without persuasion, coercion or promise of any kind.

I understand that, under the regulations of the Police Department, the Officer against whom this complaint is filed may be entitled to request a hearing before a Board in Inquiry. By signing and filing this complaint, I hereby agree to appear before a Board of Inquiry if one is requested by an Officer, and to testify under oath concerning all matters relevant to this complaint.

Date

Signature of Complainant

Then personally appeared the above named _____ and made oath that the foregoing statement is true and correct to the best of his/her knowledge and belief.

Justice of the Peace

Complaint rec'd by _____ Date _____

ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF ALLEGATIONS

Name: _____ Date: _____ Time: _____

Whenever an investigation by an agency focuses on matters that could lead to dismissal, demotion, suspension or transfer for punitive reasons of a law enforcement officer, the following conditions shall be complied with:

1. Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on-duty and at the office of the command of the investigating officer or at the office of the NH Division of Liquor Enforcement, unless circumstances dictate otherwise.
2. Before questioning the officer, he shall be informed of:
 - 1) The name and rank of the investigating officer and of any individual to be present during questioning, and
 - 2) The nature of the investigation.

Departmental policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all the questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for dismissal from the department.
3. The answers given during the investigation of an administrative matter will not be used against you in any criminal proceedings.
4. The answers given do not constitute a waiver of your privilege against self-incrimination as it relates to criminal matters.

Accordingly, you are hereby advised that the following allegations have been directed to you:

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him/her and his/her rights as they pertain to administrative proceedings.

Date

Signature of Employee

Witnesses: _____

Appendix to P-251

POLYGRAPH EXAMINATION ACKNOWLEDGEMENT OF RIGHTS

I, _____, have been granted permission by

to be administered a polygraph examination in connection with the investigation of:

I understand my answers to such examination, as they relate to the above-referenced examination, will not be used to prosecute me.

_____ (initial)

I understand that any information that I volunteer during the polygraph examination may be used against me and may result in evidence in a disciplinary action that may include termination of my employment.

_____ (initial)

I understand that my responses do not constitute a waiver of my privilege against self-incrimination as it relates to criminal matters.

_____ (initial)

(Employee Signature)

(Witness Signature)

Date: _____

Date: _____

ACKNOWLEDGEMENT MUST BE SIGNED PRIOR TO EXAMINATION

GARRITY WARNING

TO BE USED DURING ADMINISTRATIVE INVESTIGATION ONLY

Date _____

Case Number _____

Time _____

At this time, I am going to question you about:

This questioning concerns administrative matters relating to the official business of the Police Department. I am not questioning you for the purpose of instituting a criminal prosecution against you. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any legal proceedings.

Since this is an administrative matter and any self-incriminating information you disclose will not be used against you in a court of law, you are required to answer my questions fully and truthfully. This requirement is set forth in our Police Department Rules and Regulations and Policies, and our department regulations requiring members of this department to comply with all lawful orders.

If you refuse to answer my questions, this in itself is a violation of the rules and regulations of the department, and you will be subject to termination.

Do you understand what I have just explained to you? _____

Do you have any questions concerning what I have just explained to you?

I, _____, by my signature below, affirm that I have been advised of the "Garrrity Warning" and have had its meaning explained to me.

Employee's Signature

Date and Time

Investigator's Signature